IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 1360 OF 2006

IN

FIRST APPEAL (St.) NO. 5253 OF 2006

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr.C.M.Lokesh i/by M/s.G.S.Hegde & Associates for the Applicant.

None for the Respondents.

CORAM: S.B.DESHMUKH, J.

DATE : 18TH AUGUST,2006

P.C.:

Heard learned Counsel for the applicant. None appears for the respondents despite service.

2. By this application, the applicant is seeking condonation of delay of about 77 days occurred in filing the first appeal in this Court.

3. The delay of about 77 days is explained in paragraph no.2 of this application. It is alleged that the

certified copy of the judgment and decree passed by the trial Court, was ready on 13th October, 2005. The applicant was informed by his advocate, to make financial arrangement regarding filing of the appeal in this Court. The applicant, could not arrange, for expenses and therefore, delay is occurred.

4. The explanation tendered, is just, sufficient and bonafide. There is no affidavit filed on behalf of the respondents, controverting the statements made in paragraph no.2 of the civil application.

5. In this view of the matter, the delay of about 77 days in filing the first appeal is condoned. Civil application, accordingly, is allowed and disposed of.

Sd/-

(S.B.DESHMUKH, J.)